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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,696	05/24/2004	David Morrow	WLI 1146 PUS	3695

27256 7590 09/29/2005

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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,696

Applicant(s)

MORROW ET AL.

Examiner

Mike Chambers

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/26/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,6,9-10,14,16,19,22-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dill et al (5935026). Dill discloses

an upper elongate section having a top end and a locking bottom end; a lower elongate section having a locking top end and a bottom end; and a mechanism for interlocking said locking bottom end of said upper elongate section with said locking top end of said lower elongate section such that said upper elongate section is substantially axially aligned with said lower elongate section, wherein said top end of said first upper elongate section is suited for having mounted thereon a head including both a closed-loop frame and a net suspended substantially within the confines of said frame, and wherein at least one of said upper or lower elongate sections is modular and said interlocking mechanism is releasable to allow at least one of said upper elongate section or said lower elongate section to be replaced as desired. (fig 4, 4:65-5:25).

As to claim 3 : Dill discloses hollow tubing (fig 4).

As to claim 6 : Dill discloses nylon tubing (5:20).

As to claim 9 : Dill discloses an interlocking mechanism (fig 4, 605,702).

As to claim 10 : Dill discloses an upper elongate section (fig 4).

As to claims 14 and 27 : See claim 1 rejection.

As to claim 16 : Dill discloses hollow tubing (fig 4).

As to claim 19 : Dill discloses nylon tubing (5:20).

As to claim 22 : Dill discloses an axially aligned protrusion (fig 4).

As to claim 23 : Dill discloses a modular section that is interlocked (fig 4).

As to claim 24 : Dill discloses a lower modular section (fig 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 12,13,15, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dill as applied to claims 1 and 14 above, and further in view of Siebert (2712950). Siebert discloses equal segment lengths (fig 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the sectioned segments of Siebert with the apparatus of Dill in order to provide a compact assembly for easy storage or shipment.

As to claim 12: Siebert discloses an intermediate section (fig 7). The number of sections is considered a design choice. The specification provides no surprising or unexpected results in using the multiple sections. It would have been obvious to one of

ordinary skill in the art at the time of the invention to have selected an appropriate number of shaft sections based on cost and design considerations

As to claims 13, and 25: Siebert discloses top and bottom locking ends (fig 1).

As to claims 15, and 26: Siebert discloses equal segment lengths (fig 7).

Claims 4,5, 7,8,17,18,20,21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dill as applied to claims 1 and 14 above, and further in view of Official Notice. Official Notice is taken the use of aluminum, titanium, graphite and composites are well known in the lacrosse shaft art. The specification provides no surprising or unexpected results in using the materials cited . It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected an appropriate material for the shaft from any one of several equivalent materials based on cost and design considerations and in order to strengthen, lighten its weight or increase the durability of the shaft.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5935026*2712950*5048843*4739994*3514135*2
939163*4068346

Michael Chambers
Examiner
Art Unit 3711

September 16, 2005


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700